
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

JASON DELACERDA,

Petitioner,

versus

DIRECTOR, TDCJ-CID,

Respondent.

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CIVIL ACTION NO. 1:22-CV-280

**MEMORANDUM ORDER ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner Jason Delacerda, a death penalty prisoner confined in the Texas prison system, proceeding through counsel, brought this federal habeas action pursuant to 28 U.S.C. § 2254. The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for consideration pursuant to applicable laws and orders of this court.

The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this matter. The magistrate judge recommends dismissing the action without prejudice as premature pursuant to 28 U.S.C. § 2244(d)(1)(A). The magistrate judge further recommends that a certificate of appealability be denied.

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence. No objections were filed to the Report and Recommendation.

SIGNED at Beaumont, Texas, this 4th day of September, 2022.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#2) is **ADOPTED**. A final judgment will be entered dismissing the petition.